

February 9, 2024

The Honorable Joseph A. Marutollo  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

*Via CM/ECF*

Re: *Mirkin, et al. v. XOOM Energy, LLC, et al.*; No. 1:18-cv-02949-ARR-JAM

Dear Judge Marutollo:

The parties write jointly pursuant to Your Honor's Individual Practice IV to request a brief adjournment of both the March 21 Settlement Conference and April 3 deadline for the Joint Pretrial Order and motions in limine to allow sufficient time for needed information exchanges and conferral.

By agreement, XOOM will produce updated charging data for the Class by March 1. *See* ECF No. 159. This data is needed for the parties to exchange the required settlement demand and offer ahead of the Settlement Conference. The limited time between the March 1 production date and the current schedule make it infeasible to comply with the Court's settlement protocol or engage in meaningful settlement discussions. It is therefore in the best interests of the parties and the Court to adjourn the Settlement Conference by three weeks, until at least April 11, to a date that is convenient for the Court.

The parties are also working on an agreed schedule by which they will exchange the information and briefing needed to submit the Joint Pretrial Order. The parties agree that, based on the amount of work needed to be accomplished and prior commitments of counsel, a three-week extension of the deadline for the Pretrial Order (including motions in limine) is likewise appropriate.

The Court's January 19, 2024, Minute Entry set the Settlement Conference for March 21 and a deadline for the Joint Pretrial Order and motions in limine of April 3. The parties respectfully request that the Court adjourn the Settlement Conference until at least April 11, to a date that is convenient for the Court, and extend the Joint Pretrial Order deadline (including motions in limine) to April 26.

Respectfully Submitted,

/s/ Michael D. Matthews, Jr.

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